

Senate Bill 366

By: Senators Gooch of the 51st, Kirk of the 13th, Harper of the 7th, Anderson of the 43rd, Wilkinson of the 50th and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to require counties and municipal corporations to perform wage and compensation studies for employees of the sheriff's office and law enforcement agencies; to provide for a definition; to require certain agreement and consultations with sheriffs and chief executives of law enforcement agencies of the county or municipal corporation in conducting such studies; to provide for procedures and guidelines; to provide for submissions; to provide for penalties; to provide for guidance pay scales for employees of the sheriff and county and municipal law enforcement agencies; to guide the establishment of pay scales; to require the submission of certain pay scales to the Department of Community Affairs; to provide for rules and regulations; to establish within the Department of Community Affairs a local law enforcement compensation grant program; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new chapter to read as follows:

"CHAPTER 77

36-77-1.

As used in this chapter, the term 'law enforcement agency' means any agency or department responsible for investigating crimes, arresting persons accused of crimes, or maintaining actual custody of persons accused or convicted of crimes.

36-77-2.

(a)(1) The governing authority of each county of this state shall perform a wage and compensation study for every employee of the sheriff's office and law enforcement agency of the county.

(2) The governing authority of each municipal corporation shall perform a wage and compensation study for every employee of a law enforcement agency of the municipal corporation.

(3) Any wage and compensation study required by this subsection shall provide for regional or comparable wage and compensation comparisons with each employee's wage and compensation data.

(b) Any wage and compensation study required by subsection (a) of this Code section shall be based upon comparison methodologies established by the Department of Community Affairs; provided, however, that such methodology for each county and municipality shall be based upon law enforcement agencies of surrounding counties or cities, as the case may be, and based upon any persons certified by the Georgia Peace Officer Standards and Training Council as a peace officer pursuant to Chapter 8 of Title 35 who are employed in surrounding counties or cities by law enforcement agencies of this state and colleges and universities. Such basis shall be of similar size, operations, or labor market to be equitably compared against the county or municipality.

(c) Each governing authority and sheriff and chief executive of a law enforcement agency of the county or municipal corporation, as the case may be, shall agree on the retention of a center of research or fiscal or economic analysis of the university system or any qualified personnel or human resources consultant to conduct the study.

(d)(1) Any wage and compensation study provided for in subsection (a) of this Code section shall be completed in:

(A) All counties having a population of 18,000 or less and in all municipalities having a population of 3,000 or less according to the United States decennial census of 2010, or any most current future census, by December 31, 2019, and updated every five years thereafter;

(B) All counties having a population of at least 18,001 but not more than 40,000 and in all municipalities having a population of at least 3,001 but not more than 20,000 according to the United States decennial census of 2010, or any most current future census, by December 31, 2020, and updated every five years thereafter;

(C) All counties having a population of at least 40,001 and in all municipalities having a population of at least 20,001 according to the United States decennial census of 2010, or any most current future census, by December 31, 2021, and updated every five years thereafter; and

(D) Any county or city not in existence on July 1, 2018, two years after the date of establishment or incorporation and updated every five years thereafter.

(2) Nothing in this subsection shall preclude the governing authority of a county or municipal corporation from completing an initial wage and compensation study prior to the date provided for in paragraph (1) of this subsection, and such wage and compensation study shall be updated every five years thereafter.

(3) If the governing authority of a county or municipal corporation has completed a wage and compensation study between July 1, 2016, and July 1, 2018, that meets the requirements of subsections (b) and (c) of this Code section, such governing authority shall be deemed to satisfy the requirements of this subsection by submitting a copy of such wage and compensation study to the commissioner of community affairs by December 31, 2018. The commissioner of community affairs shall evaluate such study for form and content.

(4) Except as provided for in paragraph (3) of this subsection, within 30 days after the completion of each wage and compensation study, the governing authority of each county and municipal corporation shall provide a copy of each such study to the commissioner of community affairs in a form required by such commissioner. The commissioner of community affairs shall evaluate each such study for form and content. Such copy shall also be provided to the sheriff and chief executive of the law enforcement agency of the county or municipal corporation.

(e) The governing authority of each county and municipal corporation and each sheriff of this state shall use the study provided for in subsection (a) of this Code section to inform a guidance pay scale for such county or municipal corporation concerning law enforcement officers and employees and sheriffs' offices concerning employees of such sheriffs' offices; provided, however, that the guidance pay scale developed and maintained pursuant to this subsection shall not be construed as requiring any such governing authority or sheriff to fund or provide for any wages or compensation as reflected in such guidance pay scale.

(f) The governing authority of each county and municipal corporation shall annually submit a pay scale for such county or municipal corporation concerning law enforcement officers and employees and sheriffs' offices concerning employees of such sheriffs' offices to the commissioner of community affairs pursuant to rules and regulations promulgated by the Department of Community Affairs.

(g) The commissioner of community affairs shall notify any such county or municipal corporation of a failure to comply with the provisions of this Code section and, within 60 days of such notification, such county or municipal corporation shall cure or submit corrective action regarding the cause of such notification. If after 60 days such county or municipal corporation has not cured or submitted corrective action, the commissioner of

community affairs shall revoke the qualified local government status of any such county or municipal corporation. The commissioner of community affairs shall reinstate such status upon compliance with this Code section.

(h) Completed wage and compensation studies, guidance pay scales, and pay scales provided for under this Code section are public records and are available for public examination.

(i) The Department of Community Affairs shall promulgate rules and regulations for the implementation of this Code section.

36-77-3.

(a) There is established within the Department of Community Affairs a local law enforcement compensation grant program. The payment of grants under this Code section shall be contingent upon the appropriation of funds by the General Assembly.

(b) The Department of Community Affairs shall promulgate rules and regulations which shall provide standards and procedures for:

(1) Local governments to make application for grant funds for local law enforcement compensation; and

(2) The awarding of grant funds for local law enforcement compensation, such standards to be consistent with the provisions of subsection (c) of this Code section.

(c) In the awarding of grant funds for local law enforcement compensation, the Department of Community Affairs shall give preference to local governments that:

(1) Are classified as tier 1 counties, pursuant to Code Section 48-7-40, by the Department of Community Affairs;

(2) Have adopted and maintained a guidance pay scale pursuant to Code Section 36-77-2;

(3) Have established a financial need demonstrating that such grant funds will allow the local government to achieve greater parity and equity in its guidance pay scale;

(4) Have demonstrated their efforts to maximize current law enforcement agency funding, including, but not limited to, contracting for services through other local or state law enforcement partners; and

(5) Will use such funds for the wages and compensation of employees of a law enforcement agency that they rely upon to maintain a comprehensive portfolio of law enforcement capabilities relative to any other law enforcement agency of the local government.

(d)(1) Funds appropriated for local law enforcement compensation grants shall be subject to normal budgetary processes and controls, including the lapsing of unexpended and uncommitted funds at the end of each fiscal year.

(2) Funds made available to local governments under this Code section shall not be used to supplant local funds but shall be used to increase the amount of funds that would, in the absence of such funds made available under this Code section, be used for the compensation of law enforcement officers.

(e) The Department of Community Affairs shall audit and verify that funds awarded under this Code section are used in conformity with the provisions of this Code section. The commissioner of community affairs shall revoke the qualified local government status of any county or municipality that misuses or misappropriates funds awarded under this Code section. The commissioner of community affairs shall reinstate such status only after restitution of such funds are made to the local law enforcement compensation grant program by such county or municipality."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.